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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,154	10/30/2001	Derek L. Davis	77250P001X	1344

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,154

Applicant(s)

DAVIS ET AL.

Examiner

Anthony S Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-13, 15-16 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rydbeck, U.S. Patent Number 6,574,471.**

Regarding claim 1, Rydbeck discloses a wireless communications unit comprising: a casing (see col. 3, lines 65-66 and Fig. 1; where a casing 12 for housing the communications and other circuitry is shown) having a front face (see Fig. 1; where a top portion 16 is shown); a display (see col. 4, line 10-11 and Fig. 1; where a display screen 22 is shown); and internal logic contained within the casing, the internal logic including a date/time scheduler to control activation and deactivation of a plurality of operating modes of the wireless communication unit (see col. 7, lines 47-54).

Regarding claim 3, Rydbeck discloses all the limitations of claim 1. In addition, Rydbeck teaches a plurality of operating modes (see col. 4, lines 43-47) which includes a ringer mode to control a type of ring signal output by the wireless communication unit (see col. 6, lines 29-39).

Regarding claim 4, Rydbeck discloses all the limitations of claim 3. In addition, Rydbeck teaches a plurality of operating modes including a mode to activate and deactivate certain communication protocols including at least one of GSM, CDMA and 3G (see col. 4, lines 43-47; where GSM, CDMA and 3G are considered as a cellular communication mode).

Regarding claim 5, Rydbeck teaches all the limitations of claim 1. In addition, Rydbeck teaches a plurality of operating modes including a Pickup Pause mode where an incoming call is automatically answered (see col. 2, lines 14-20) with a playback of a recorded message generally coincident with providing a perceivable warning of the incoming call to a user of the wireless communication unit (see col. 6, lines 46-51).

Regarding claim 6, Rydbeck teaches all the limitations of claim 5. In addition, Rydbeck teaches a method wherein the playback of the message indicates an estimated amount of time delay needed before the user can accept the incoming call, the amount of time delay is programmed by the user (see col. 7, lines 5-19).

Regarding claim 7, Rydbeck teaches all the limitations of claim 1. In addition Rydbeck teaches a method wherein the internal logic further includes a processing unit coupled to a memory and a transceiver, the memory storing the date/time scheduler (see col. 4, lines 25-34 and Fig. 2; where Random Access Memory (RAM) 30 is used to store operating systems and software applications).

Regarding claim 8, Rydbeck discloses a method comprising: accessing a calendar program within a wireless communication unit (see col. 5, lines 14-18); and scheduling an occurrence of a first event using the calendar program to deactivate a first operating mode of the wireless communication unit for a specified period of time (see col. 5, line 65 through col. 6, line 10).

Regarding claim 9, Rydbeck teaches all the limitations of claim 8. In addition, Rydbeck teaches a method wherein the wireless communication unit is a cellular telephone (see col. 3, lines 46-50) including a display (see col. 4, line 10-11 and Fig. 1; where a display screen 22 is shown) and

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a plurality of buttons (see col. 4, lines 8-9 and Fig. 1; where control buttons 21 and 23 are shown) including a keypad (see col. 4, lines 47-52 and Fig. 1; where keyboard can be depicted on display screen 22 as shown).

Regarding claim 10, Rydbeck teaches all the limitations of claim 8. In addition, Rydbeck teaches a method further comprising scheduling an occurrence of a second event using the calendar program to activate a second operating mode of the wireless communication unit for a specified period of time (see col. 7, lines 47-54).

Regarding claim 11, Rydbeck teaches all the limitations of claim 8. In addition, Rydbeck teaches a method further comprising scheduling a subsequent occurrence of the first event using the calendar program to activate the first operating mode of the wireless communication unit (see col. 7, lines 55-67).

Regarding claim 12, Rydbeck teaches all the limitations of claim 9. In addition, Rydbeck teaches a method, wherein the accessing of the calendar program includes generating a representation of at least a partial calendar for illustration on the display (see Fig. 4; where a screen display 50 for calendar/to do list software application is shown).

Regarding claim 13, Rydbeck teaches all the limitations of claim 12. In addition, Rydbeck teaches a method, wherein the scheduling of the occurrence of the first event using the calendar program includes selecting one of a plurality of days associated with the representation of at least the partial calendar to produce a screen image including a plurality of event start time and selecting one of the plurality of event start-time (see col. 6, lines 2-10 and Fig. 4; where a user enters schedule data into the work area 61 of screen display 50 to indicate timed events to occur at the times indicated in the time field 65).

Regarding claim 15, Rydbeck teaches all the limitations of claim 12. In addition Rydbeck teaches a method, wherein the scheduling of the occurrence of the first event using the calendar

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program includes selecting one of a plurality of days associated with the representation of at least the partial calendar to produce a screen image (see col. 6, lines 2-10 and Fig. 4; where a user enters schedule data into the work area 61 of screen display 50 to indicate timed events to occur at the times indicated in the time field 65) including a field for user entry of a start time of the deactivation of the operating mode by the user through depression of the plurality of buttons (see col. 5, line 45-55).

Regarding claim 16, Rydbeck teaches all the limitations of claim 12. In addition Rydbeck teaches a method, wherein the scheduling of the occurrence of the first event using the calendar program further includes selecting the first event being associated with at least one of operating modes including power mode, ringer mode (see col. 6, lines 29-39), communication protocol mode (see col. 4, lines 43-47; where GSM, CDMA and 3G are considered as a cellular communication mode), and pickup pause mode (see col. 2, lines 14-20).

Regarding claim 20, Rydbeck teaches all the limitations of claim 12. In addition Rydbeck teaches a method, wherein the Pickup Pause mode enables an incoming call to be automatically answered (see col. 2, lines 14-20) with a playback of a recorded message generally coincident with providing a perceivable warning of the incoming call to a user of the cellular telephone (see col. 6, lines 46-51).

Regarding claim 21, Rydbeck discloses a machine-readable medium executed by a processing unit (see col. 4, lines 25-33 and Fig. 2; where a high level block diagram containing a Read Only Memory (ROM) and Random Access Memory (RAM) are shown), a software (see col. 5, lines 17-18) comprising: a first module to access a calendar program within a wireless communication unit (see col. 5, lines 14-18); and a second module (see col. 5, lines 31-47 and Fig. 4; where a rectangular area 57 of screen display 50 is preferably used to display status information and may include one or more mouse-mode control buttons 59) to schedule an occurrence of a first event using the calendar program to at least perform one of (i) deactivating an operating mode of the wireless

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communication unit for a first period of time (see col. 7, lines 55-65) and (ii)activating the operating mode of the wireless communication unit for a second period of time (see col. 7, line 66 through col. 8, line 10).

Regarding claim 22, Rydbeck discloses all the limitations of claim 21. In addition, Rydbeck teaches a machine readable medium being contained within a cellular telephone (see Fig. 2; where the internal circuitry of the cellular phone is shown).

Claim Rejections - 35 USC § 103

3. Claims 2, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rydbeck U.S. Patent Number 6,574,471**, as applied to claims 1, 13 and 16 above, and further in view of **Vossler U.S. Patent Number 6,317,593**.

Regarding claim 2, Rydbeck teaches all the limitations of claim 1. Rydbeck does not teach a method, wherein at least two of plurality of operating modes includes a Power-Off mode where the wireless communication unit is configured to neither transmit signals nor receive an incoming call, and (2) a Suspend Power-Off mode where the wireless communication unit is configured to receive the incoming call and prohibit transmitting signals.

Vossler, however, discloses an off mode where the user can neither initiate nor receive telephone calls (see col. 5, lines 18-21) and a stand by mode where the user is able to initiate and receive calls (see col. 5, lines 30-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method for controlling the operation of a cellular telephone as taught by Vossler, to the method for handling incoming calls received by a portable intelligent communications device during a meeting of Rydbeck to include the Power-Off and Suspend Power-Off mode to enable a user select time periods when calls are receivable without having to remember to turn on the cellular phone, extending battery life and minimizing unwanted interruptions.

Regarding claim 14, Rydbeck teaches all the limitations of claim 13. Rydbeck does not teach a method further comprising scheduling multiple occurrences of the first event at different days than the one of the plurality of days without scheduling each occurrence separately.

Vossler, however, discloses a method of scheduling a recurring event by setting date and specifying the day of the week on which the event is to occur (see col. 5, line 64 through col. 6, line 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method for controlling the operation of a cellular telephone as taught by Vossler, to the method for handling incoming calls received by a portable intelligent communications device during a meeting of Rydbeck to automatically initiate the telephone's various functions according to the user's needs.

Regarding claim 17, Rydbeck teaches all the limitations of claim 16. Rydbeck does not teach a method, wherein the power mode includes (1) a Power-Off mode where the cellular telephone is configured to neither transmit signals nor receive an incoming call, and (2) a Suspend Power-Off mode where the cellular telephone is configured to receive the incoming call but unable to transmit.

Vossler, however, discloses an off mode where the user can neither initiate nor receive telephone calls (see col. 5, lines 18-21) and a stand by mode where the user is able to initiate and receive calls (see col. 5, lines 30-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method for controlling the operation of a cellular telephone as taught by Vossler, to the method for handling incoming calls received by a portable intelligent communications device during a meeting of Rydbeck to include the Power-Off and Suspend Power-Off mode to enable a user select time periods when calls are receivable without having to remember to turn on the cellular phone, extending battery life and minimizing unwanted interruptions.

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4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rydbeck U.S. Patent Number 6,574,471**, as applied to claim 16 above, and further in view of **Bach et al., U.S. Patent Number 6,377,795 (hereafter Bach)**.

Regarding claim 18, Rydbeck teaches all the limitations of claim 16. Rydbeck does not teach a method, wherein the redial mode enables the cellular telephone to notify a source to an incoming call of an amount of time that the cellular telephone is in the Suspend Power-Off mode.

Bach, however, discloses a SPECIAL mode where an audible recording previously made by the user is sent to the caller indicating that the called phone is in the SPECIAL mode (see col. 3, lines 45-53). For example, such a message can be; "This is XYZ. My phone is in the SPECIAL mode since I'm in a meeting. According to another feature of the present invention, the user is provided the option to block all incoming calls for a special period (see col. 4, lines 1-3). For example, the user may specify that all incoming calls should be rejected for 1 hour, when the user knows that the meeting would last one hour (see col. 4, lines 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the SPECIAL mode feature as taught by Bach, for the cellular telephone of Rydbeck to avoid the need for the user to turn the phone off before the meeting.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rydbeck U.S. Patent Number 6,574,471**, as applied to claims 16 above, and further in view of **Buhrmann et al., U.S. Patent Number 5,933,778 (hereafter Buhrmann)**.

Regarding claim 19, Rydbeck teaches all the limitations of claim 16. Rydbeck does not teach a method, where the communication protocol mode enables a user to select one of a plurality of communication protocols supported by the cellular telephone, the plurality of communication protocols including at least two of GSM, CDMA and 3G.

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Buhrmann, however, discloses the use of other types of telephones capable of operating in accordance with code division multiple access (CDMA) or Groupe Speciale Mobile (GSM) (see col. 5. lines 28-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the GSM and CDMA communication protocols as taught by Buhrmann, for the cellular telephone of Rydbeck to permit the frequency spectrum to be reused multiple times, thereby permitting an increase in system user capacity.

Conclusion

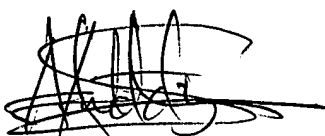
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bremer, U.S. Patent Number 6,018,671 discloses a silent call accept. Cloutier, U.S. Patent Number 6,459,913 discloses a unified alerting device and method for alerting a subscriber in a communication network based upon the result of logical functions. Cannon et al., U.S. Patent Number 6,393,272 discloses a wireless answer and hold feature.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 703-305-8487. The examiner can normally be reached on Mon-Fri 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions

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on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
July 29, 2004


ERIKA GARY
PATENT EXAMINER